

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|-----------------------------------|---|-------------------------|
| CHARLOTTE HORTON, as guardian of |) | |
| the Estate of Anna R. Richardson, |) | |
| Adjudicated Disabled Person |) | |
| |) | No. 2007 C 6530 |
| Plaintiff, |) | |
| v. |) | Hon. George W. Lindberg |
| |) | |
| COUNTRY MORTGAGE SERVICES, INC., |) | |
| FREMONT INVESTMENT & LOAN, and |) | |
| MORTGAGE ELECTRONIC |) | |
| REGISTRATION SYSTEMS, INC., |) | |
| |) | |
| Defendants. |) | |

**ABSOLUTE TITLE SERVICES, INC.'S
RULE 16(b)(1) MOTION TO SET CERTAIN SCHEDULING DATES**

NOW COMES Third-Party Defendant Absolute Title Services, Inc. (“ATS”), by its attorneys Ward and Metti, P.C., and pursuant to Federal Rule of Civil Procedure 16(b)(1) requests this court to set dates to join other parties and to amend the pleadings as well as other matters contemplated by Rule 16(b). In further support thereof, ATS states as follows.

1. Third-Party Defendant Absolute Title Services, Inc. was first served with the third-party complaint in this case on February 5, 2008. On February 25, 2008, ATS filed its answer and affirmative defenses.

2. On Thursday, February 21, 2008, counsel for the parties conferred briefly concerning the status of the case and discovery. During this conference, it became apparent that plaintiff may claim that two loan disbursement checks involved in this case contain forged endorsements. If she does, ATS would need to join its bank on an Illinois Commercial Code section 4-401(a) claim.

3. During the conference, it also became apparent that certain parties may need to be deposed in order to determine whether claims for indemnification might be appropriate.

4. In order for the potentially claiming parties to meet their Rule 11 obligations in this regard, discovery would be appropriate.¹

5. At the time that ATS filed its answer, it could not know whether to file any cross-claims or whether to join new parties by way of a third-party complaint without first having had the benefit of discovery.

6. Accordingly, ATS requests that this court set dates to join other parties and to amend the pleadings at a reasonable time after initial discovery.

WHEREFORE, Third-Party Defendant Absolute Title Services, Inc. respectfully requests that this honorable court set dates to join other parties and to amend the pleadings at a reasonable time after initial discovery.

ABSOLUTE TITLE SERVICE, INC.

By:


David A. Ward

David A. Ward, Its Attorney

WARD AND METTI, P.C.
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Date: February 26, 2008

¹ ATS has served interrogatories upon the parties in an effort to discover these matters.